

No. 24-1095

In the
United States Court of Appeals for the Fourth Circuit

RODNEY D. PIERCE and MOSES MATTHEWS,

Plaintiff-Appellants,

v.

THE NORTH CAROLINA STATE BOARD OF ELECTIONS, et al.,

Defendant-Appellees.

On Appeal from the United States District Court
for the Eastern District of North Carolina, James E. Dever, III, District Judge
No. 4:23-cv-193-D-RN

**STATE BOARD DEFENDANTS' NOTICE
THAT NO BRIEF WILL BE FILED**

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Defendant-Appellees The North Carolina State Board of Elections, and Alan Hirsch, Jeff Carmon, Stacy Eggers, IV, Kevin N. Lewis, and Siobhan O'Duffy Millen, all in their official capacities (collectively "State Board Defendants"), file this notice to inform the parties and the Court of the following:

State Board Defendants take no position on Plaintiff-Appellants' interlocutory appeal of the District Court's order denying Plaintiffs' motion for preliminary injunction. Accordingly, State Board Defendants do not plan to participate in the oral argument scheduled for February 15, 2024, unless the Court directs otherwise. Should the Court require any additional information regarding the election schedule, relevant deadlines, or other administrative considerations, State Board Defendants stand ready to provide that information upon request.

Respectfully submitted, this the 12th day of February, 2024.

N.C. DEPARTMENT OF JUSTICE

/s/ Terence Steed

Terence Steed

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CERTIFICATE OF COMPLIANCE

I certify that this Notice complies with the length requirements of Fed. R. App. P. 27(d)(2)(A) because it contains 126 words. This response also complies with the typeface and type-style requirements of Fed. R. App. P. 32(a)(5) & (6) because it has been prepared in a proportionally spaced typeface: 14-point Constantia font.

Respectfully submitted, this the 12th day of February, 2024.

/s/ Terence Steed
Terence Steed